

COMMONWEALTH OF VIRGINIA  
STATE CORPORATION COMMISSION  
AT RICHMOND, JULY 7, 2022

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COMMONWEALTH OF VIRGINIA, *ex rel.*

STATE CORPORATION COMMISSION

CASE NO. PUR-2022-00083

*Ex Parte:* In the matter of the Commission's investigation into exhaust relief for the 804 area code

ORDER FOR NOTICE AND COMMENT

On May 18, 2022, the North American Numbering Plan Administrator ("NANPA"), as the neutral third-party numbering plan area ("NPA," (also referred to as "area code")) relief planner for the Commonwealth of Virginia and on behalf of Virginia's telecommunications industry ("Industry"),<sup>1</sup> filed an application requesting that the State Corporation Commission ("Commission")<sup>2</sup> approve an all-services distributed overlay of a new area code as the form of relief for the 804 area code.<sup>3</sup> On June 16, 2022, NANPA filed a revised application ("Application") noting that the revised application filing corrected a typographical error in the May 18, 2022 filing and replaced the application previously filed.

In support of the Application, NANPA states that absent NPA relief, the supply of available telephone numbers in the 804 area code will be exhausted during the third quarter of 2024.<sup>4</sup> Further, NANPA states an all-services distributed overlay would superimpose a new NPA over the same geographic area covered by the existing 804 NPA, and that an overlay is the

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<sup>1</sup> The Industry is described as current and prospective telecommunications carriers operating in, or considering operations within, the 804 area code. Application at 1.

<sup>2</sup> According to the Application, the Federal Communications Commission delegated authority to the states to review and approve NPA relief plans. Application at 1 (citing 47 C.F.R. § 52.19).

<sup>3</sup> Application at 1.

<sup>4</sup> *Id.*

appropriate form of relief since the 804 area code is already transitioning to mandatory 10-digit local dialing.<sup>5</sup> This transition is due to national implementation of 988 as an abbreviated dialing code to reach the National Suicide Prevention Lifeline.<sup>6</sup> Further, NANPA notes that in a prior Commission proceeding an overlay of the current 804 area code was approved.<sup>7</sup> However, due to changes in the method of area code pooling and distribution, a new area code was unnecessary until this time.<sup>8</sup>

According to NANPA, the relief provided by any overlay approach will last approximately 32 years.<sup>9</sup> Under this approach, all existing customers would retain the 804 area code and would not have to change their telephone numbers.<sup>10</sup>

In the Application, NANPA describes the Industry's consensus recommendation to implement the new relief NPA in accordance with a 9-month schedule to be completed 6 months prior to the forecasted exhaust date if approved by the Commission.<sup>11</sup> The Industry's implementation plan includes steps necessary for network preparation and customer education in advance of the availability of the new area code.<sup>12</sup> Finally, as reflected in the Application, the

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<sup>5</sup> *Id.* at 1, 3-5.

<sup>6</sup> *Id.*

<sup>7</sup> *Id.* at 2 (citing *State Corporation Commission, Ex Parte: In re: Investigation of area code relief for the 804 Numbering Plan Area*, Case No. PUC-1999-00159, 2000 S.C.C. Ann. Rept. 274, Order on Area Code Relief (Dec. 1, 2000)).

<sup>8</sup> Application at 2.

<sup>9</sup> *Id.* at 5.

<sup>10</sup> *Id.*

<sup>11</sup> *Id.* at 6-8.

<sup>12</sup> *Id.*

Industry requests that the Commission forego in-person meetings and hearings in favor of written comments and reply comments on the relief plan for the 804 area code.<sup>13</sup>

NOW THE COMMISSION, upon consideration of this matter, is of the opinion and finds that public comments should be invited about the proposed area code relief plan; that interested persons should have an opportunity to request a hearing; and that the Staff of the Commission ("Staff") should, in consultation with NANPA, conduct an investigation into the reasonableness of the proposed area code relief plan and present its findings and recommendations in a report ("Staff Report").

The Commission takes judicial notice of the ongoing public health issues related to the spread of the coronavirus, or COVID-19. The Commission has taken certain actions, and may take additional actions going forward, which could impact the procedures in this proceeding.<sup>14</sup> Consistent with these actions, the Commission will, among other things, direct the electronic filing of testimony and pleadings, unless they contain confidential information, and require electronic service on parties to this proceeding.

Accordingly, IT IS ORDERED THAT:

- (1) This case is docketed and assigned Case No. PUR-2022-00083.

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<sup>13</sup> *Id.* at 8-9.

<sup>14</sup> See, e.g., *Commonwealth of Virginia, ex rel. State Corporation Commission, Ex Parte: Electronic Service of Commission Orders*, Case No. CLK-2020-00004, 2020 S.C.C. Ann. Rept. 76, Order Concerning Electronic Service of Commission Orders (Mar. 19, 2020), extended by 2020 S.C.C. Ann. Rept. 77, Order Regarding the State Corporation Commission's Revised Operating Procedures During COVID-19 Emergency (May 11, 2020); *Commonwealth of Virginia, ex rel., State Corporation Commission, Ex Parte: Revised Operating Procedures During COVID-19 Emergency*, Case No. CLK-2020-00005, 2020 S.C.C. Ann. Rept. 77, Order Regarding the State Corporation Commission's Revised Operating Procedures During COVID-19 Emergency (Mar. 19, 2020) ("Revised Operating Procedures Order"), extended by 2020 S.C.C. Ann. Rept. 78, Order Regarding the State Corporation Commission's Revised Operating Procedures During COVID-19 Emergency (May 11, 2020); *Commonwealth of Virginia, ex rel. State Corporation Commission, Ex Parte: Electronic service among parties during COVID-19 emergency*, Case No. CLK-2020-00007, 2020 S.C.C. Ann. Rept. 79, Order Requiring Electronic Service (Apr. 1, 2020).

(2) All pleadings, briefs, or other documents required to be served in this matter shall be submitted electronically to the extent authorized by 5 VAC 5-20-150, *Copies and format*, of the Commission's Rules of Practice and Procedure ("Rules of Practice").<sup>15</sup> Confidential and Extraordinarily Sensitive Information shall not be submitted electronically and should comply with 5 VAC 5-20-170, *Confidential information*, of the Rules of Practice. Any person seeking to hand deliver and physically file or submit any pleading or other document shall contact the Clerk's Office Document Control Center at (804) 371-9838 to arrange the delivery.<sup>16</sup>

(3) Pursuant to 5 VAC 5-20-140, *Filing and service*, of the Rules of Practice, the Commission directs that service on parties and Staff in this matter shall be accomplished by electronic means. Concerning Confidential or Extraordinarily Sensitive Information, parties and Staff are instructed to work together to agree upon the manner in which documents containing such information shall be served upon one another, to the extent practicable, in an electronically protected manner, even if such information is unable to be filed in the Office of the Clerk, so that no party or Staff is impeded from preparing its case.

(4) On or before July 27, 2022, the Commission's Division of Public Utility Regulation shall publish the following notice on one (1) occasion as classified advertising with a display border in newspapers of general circulation within the existing 804 area code:

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<sup>15</sup> 5 VAC 5-20-10 *et seq.*

<sup>16</sup> As noted in the Revised Operating Procedures Order, submissions to the Commission's Clerk's Office via U.S. mail or commercial mail equivalents may be subject to delayed processing due to the COVID-19 public health issues.

NOTICE TO THE PUBLIC OF COMMONWEALTH OF  
VIRGINIA, EX REL., STATE CORPORATION COMMISSION,  
EX PARTE: IN THE MATTER OF THE COMMISSION'S  
INVESTIGATION INTO EXHAUST RELIEF  
FOR THE 804 AREA CODE  
CASE NO. PUR-2022-00083

On May 18, 2022, the North American Numbering Plan Administrator ("NANPA"), as the neutral third-party numbering plan area ("NPA," (also referred to as "area code")) relief planner for the Commonwealth of Virginia and on behalf of Virginia's telecommunications industry ("Industry"), filed an application requesting that the State Corporation Commission ("Commission") approve an all-services distributed overlay of a new area code as the form of relief for the 804 area code. On June 16, 2022, NANPA filed a revised application ("Application") noting that the revised application filing corrected a typographical error in the May 18, 2022 filing and replaced the application previously filed.

In support of the Application, NANPA states that absent NPA relief, the supply of available telephone numbers in the 804 area code will be exhausted during the third quarter of 2024. Further, NANPA states an all-services distributed overlay would superimpose a new NPA over the same geographic area covered by the existing 804 NPA and that an overlay is the appropriate form of relief since the 804 area code is already transitioning to mandatory 10-digit local dialing. This transition is due to national implementation of 988 as an abbreviated dialing code to reach the National Suicide Prevention Lifeline. Further, NANPA notes that in a prior Commission proceeding an overlay of the current 804 area code was approved. However, due to changes in the method of area code pooling and distribution, a new area code was unnecessary until this time.

According to NANPA, the relief provided by any overlay approach will last approximately 32 years. Under this approach, all existing customers would retain the 804 area code and would not have to change their telephone numbers.

In the Application, NANPA describes the Industry's consensus recommendation to implement the new relief NPA in accordance with a 9-month schedule to be completed 6 months prior to the forecasted exhaust date if approved by the Commission. The Industry's implementation plan includes steps necessary for network preparation and customer education in advance of the availability of the new area code. Finally, as

reflected in the Application, the Industry requests that the Commission forego in-person meetings and hearings in favor of written comments and reply comments on the relief plan for the 804 area code.

Copies of the Application, the Commission's Order for Notice and Comment, and related filings may be downloaded from the Commission's website: [scc.virginia.gov/pages/Case-Information](http://scc.virginia.gov/pages/Case-Information).

On or before August 17, 2022, any interested person may submit comments on the proposed area code relief plan electronically by following the instructions on the Commission's website: [scc.virginia.gov/casecomments/Submit-Public-Comments](http://scc.virginia.gov/casecomments/Submit-Public-Comments). Those unable, as a practical matter, to submit comments electronically may file such comments by U.S. mail to the Clerk of the Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218-2118. All comments shall refer to Case No. PUR-2022-00083.

On or before August 17, 2022, any interested person may file a request for a hearing on the proposed area code relief plan with the Clerk of the Commission at: [scc.virginia.gov/clk/efiling](http://scc.virginia.gov/clk/efiling). Those unable, as a practical matter, to file electronically may file a request for hearing by U.S. mail to the Clerk of the Commission at the address listed above. Such request for hearing shall include the email addresses of such parties or their counsel, if available. Requests for a hearing shall include: (i) a precise statement of the filing party's interest in the proceeding; (ii) a statement of the specific action sought to the extent then known; (iii) a statement of the legal basis for such action; and (iv) a precise statement why a hearing should be conducted in this matter. All requests for a hearing shall refer to Case No. PUR-2022-00083.

On or before August 17, 2022, any interested person or entity may participate as a respondent in this proceeding by filing a notice of participation with the Clerk of the Commission at: [scc.virginia.gov/clk/efiling](http://scc.virginia.gov/clk/efiling). Those unable, as a practical matter, to file a notice of participation electronically may file such notice by U.S. mail to the Clerk of the Commission at the address listed above. Such notice of participation shall include the email addresses of such parties or their counsel, if available. A copy of the notice of participation must also be sent to counsel for the Company. Pursuant to 5 VAC 5-20-80 B, *Participation as a respondent*, of the Rules of Practice, any notice of participation shall set forth: (i) a precise statement of the interest of the respondent; (ii) a statement of the specific action sought to the

extent then known; and (iii) the factual and legal basis for the action. Any organization, corporation, or government body participating as a respondent must be represented by counsel as required by 5 VAC 5-20-30, *Counsel*, of the Rules of Practice. All filings shall refer to Case No. PUR-2022-00083.

Any documents filed in paper form with the Office of the Clerk of the Commission in this docket may use both sides of the paper. In all other respects, except as modified by the Commission's Order for Notice and Comment, all filings shall comply fully with the requirements of 5 VAC 5-20-150, *Copies and format*, of the Rules of Practice.

STATE CORPORATION COMMISSION OF VIRGINIA

(5) On or before August 17, 2022, any interested person may submit comments on the Application by following the instructions found on the Commission's website:

[scc.virginia.gov/casecomments/Submit-Public-Comments](http://scc.virginia.gov/casecomments/Submit-Public-Comments). Those unable, as a practical matter, to submit comments electronically may file such comments by U.S. mail to the Clerk of the Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218-2118. All comments shall refer to Case No. PUR-2022-00083.

(6) On or before August 17, 2022, any interested person may file a request for a hearing with the Clerk of the Commission at [scc.virginia.gov/clk/efiling](http://scc.virginia.gov/clk/efiling). Those unable, as a practical matter, to file electronically may file a request for hearing by U.S. mail to the Clerk of the Commission at the address listed above. Such request for hearing shall include the email addresses of such parties or their counsel, if available. Requests for a hearing shall include: (i) a precise statement of the filing party's interest in the proceeding; (ii) a statement of the specific action sought to the extent then known; (iii) a statement of the legal basis for such action; and (iv) a precise statement why a hearing should be conducted in this matter. All requests for a hearing shall refer to Case No. PUR-2022-00083.

(7) On or before August 17, 2022, any person or entity wishing to participate as a respondent in this proceeding may do so by filing a notice of participation with the Clerk of the Commission at [scc.virginia.gov/clk/efiling](http://scc.virginia.gov/clk/efiling). Those unable, as a practical matter, to file a notice of participation electronically may file such notice by U.S. mail to the Clerk of the Commission at the address listed above. Such notice of participation shall include the email addresses of such parties or their counsel, if available. Pursuant to 5 VAC 5-20-80 B, *Participation as a respondent*, of the Rules of Practice, any notice of participation shall set forth: (i) a precise statement of the interest of the respondent; (ii) a statement of the specific action sought to the extent then known; and (iii) the factual and legal basis for the action. Any organization, corporation, or government body participating as a respondent must be represented by counsel as required by 5 VAC 5-20-30, *Counsel*, of the Rules of Practice. All filings shall refer to Case No. PUR-2022-00083.

(8) On or before August 17, 2022, Staff shall file with the Commission proof of notice ordered herein.

(9) Staff shall, in consultation with NANPA, conduct an investigation into the reasonableness of the proposed area code relief plan and present Staff's findings and recommendations in a report ("Staff Report") to be filed on or before September 14, 2022.

(10) On or before October 5, 2022, any respondent may file with the Clerk of the Commission at [scc.virginia.gov/clk/efiling](http://scc.virginia.gov/clk/efiling), any response to the Staff Report and/or to any comments filed with the Commission. A copy of the response shall be sent electronically to Staff and to any person who filed to participate as a respondent.

(11) Rule of Practice 5 VAC 5-20-260, *Interrogatories or requests for production of documents and things*, shall be modified for this proceeding as follows: answers to

interrogatories and requests for production of documents shall be served within five (5) business days after receipt of the same. Persons who filed requests for hearing shall provide to the Staff, and any other persons who filed requests for hearing, promptly upon request, any work papers or documents used in preparation of their requests for hearing. Except as modified herein, discovery shall be in accordance with Part IV of the Commission's Rules of Practice, 5 VAC 5-20-240 *et seq.*

(12) This matter is continued.

A COPY hereof shall be sent electronically by the Clerk of the Commission to: all local exchange carriers certificated in Virginia as set out in Appendix A; all interexchange carriers certificated in Virginia as set out in Appendix B; the chairman of the board of supervisors and county attorney of each county and upon the mayor or manager (or equivalent official) and city or town attorney of every city and town in the 804 area code as set out in Appendix C; Florence Weber, Senior Director, North American Numbering Plan Administrator, Two Tower Center Boulevard, Floor 20, East Brunswick, New Jersey 08816, [fweber@nanpa.com](mailto:fweber@nanpa.com); and C. Meade Browder, Jr., Senior Assistant Attorney General, Office of the Attorney General, Division of Consumer Counsel, 202 N. 9th Street, 8th Floor, Richmond, Virginia 23219-3424, [mbrowder@oag.state.va.us](mailto:mbrowder@oag.state.va.us).

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ACN Communication Services Virginia, L.L.C.	Jeremy Smuckler	<a href="mailto:jsmuckle@acninc.com">jsmuckle@acninc.com</a>
Airespring Virginia LLC	Cynthia Firstman	<a href="mailto:cat@airespring.com">cat@airespring.com</a>
Airus Virginia, Inc.	John McCluskey	<a href="mailto:jmccluskey@airustel.com">jmccluskey@airustel.com</a>
All Points Carrier Services, LLC	James Carr	<a href="mailto:business@allpointsbroadband.com">business@allpointsbroadband.com</a>
All Points Northern Neck, LLC	James Carr	<a href="mailto:legal@allpointsbroadband.com">legal@allpointsbroadband.com</a>
Allied Telecom Group, LLC	Ken Williams	<a href="mailto:kwilliams@alliedtelecom.net">kwilliams@alliedtelecom.net</a>
AMCS Networking Services LLC	Robert Stankey	<a href="mailto:robertstankey@dwf.com">robertstankey@dwf.com</a>
Amelia Telephone Corporation	Bruce Mottern**	<a href="mailto:bruce.mottern@tdstelecom.com">bruce.mottern@tdstelecom.com</a>
AOC Connect, LLC	Michelle Silvia	<a href="mailto:msilvia@aocwins.com">msilvia@aocwins.com</a>
APB Partners Culpeper, LLC	Mark N. Zaruba	<a href="mailto:mzaruba@allpointsbroadband.com">mzaruba@allpointsbroadband.com</a>
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APB Partners Middlesex, LLC	Mark N. Zaruba	<a href="mailto:mzaruba@allpointsbroadband.com">mzaruba@allpointsbroadband.com</a>
APB Partners Pulaski, LLC	Mark N. Zaruba	<a href="mailto:mzaruba@allpointsbroadband.com">mzaruba@allpointsbroadband.com</a>
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Bandwidth.com CLEC, LLC	W. Christopher Matton	<a href="mailto:cmatton@bandwidth.com">cmatton@bandwidth.com</a>
Barr Tell USA, Inc.	Harold Barr	<a href="mailto:Hb@barrtell.com">Hb@barrtell.com</a>
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IDT America of Virginia, LLC	John Peterson	<a href="mailto:john.peterson@IDT.net">john.peterson@IDT.net</a>
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APPENDIX B

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